

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)
FREE SPEECH SYSTEMS, LLC) Chapter 11
)
) Case No. 22-60043
Debtor)
)

**CORRECTED¹ DECLARATION OF ANNIE CATMULL PROPOSED BANKRUPTCY
COUNSEL AND DISCLOSURE OF COMPENSATION**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Annie Catmull, hereby submit the following statement of disinterestedness pursuant to Bankruptcy Rule 2014 and further declare, pursuant to 28 U.S.C. § 1746, that the following is true and correct, under penalty of perjury:

1. My name is Annie Catmull. I am over the age of 18 years, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. Each and every statement contained herein is true and correct to the best of my knowledge, information and belief after a diligent inquiry.

2. I am an attorney at law, duly licensed to practice in the State of Texas and admitted to practice before the United States District Courts for the Southern District in the State of Texas.

3. I am employed (as of counsel) by O'Connor Wechsler, PLLC ("OWPLLC"), which maintains offices at 4400 Post Oak Parkway, Suite 2360, Houston, TX 77027.

4. I attended the S. J. Quinney College of Law at the University of Utah and graduated in 1995 and the same year the State of Texas licensed me to practice law.

5. As set forth in my attached CV (supplemented and corrected, but otherwise the same as the CV attached to the Application), I have extensive experience in chapter 11 bankruptcy cases, including litigation therein.

¹ The corrections are typographical except that I (1) added the text "He and I worked together in a few cases while I worked at Hoover Slovacek LLP" regarding the discussion of Walter Cicack, and (2) I corrected the years I worked for Shelby Jordan.

6. I am duly authorized to make and submit this declaration (“**Declaration**”) with OWPLLC in accordance with 11 USC § 327 (a) and §327 (e) of the Bankruptcy Code and in conjunction with Rule 2014(a) of Federal Rules of Bankruptcy Procedure. Neither I, nor OWPLLC, represent any interest adverse to the above-captioned debtor, as required by 11 U.S.C. §§ 327(a) and (e). Additionally, OWPLLC and I are disinterested persons, as defined by 11 U.S.C. § 101(14).

7. OWPLLC and I have identified the following connections with other parties in interest:

Party in Interest or its Counsel	Connection
Melissa Haselden and HFPLLC	<p>Melissa Haselden is the Subchapter V Trustee in this FSS case.</p> <p>First, between 2010 and 2017, I worked with Ms. Haselden at Hoover Slovacek LLP’s bankruptcy section then led by (now retired) Edward Rothberg.</p> <p>Second, Ms. Haselden was the Subchapter V Trustee in the bankruptcy case² of Cypress Creek Emergency Medical Service, Inc., case no. 21-33733, in which I represent the chapter 11 debtor, and the liquidating trustee (J. Patrick Magill, the CRO in the FSS case) who I also represent. This case is largely wound down.</p> <p>Third, Ms. Haselden represents a non-debtor affiliate of the chapter 11 debtor, All Texas Electrical Contractors, Inc., case no. 20-34656, wherein I represent the debtor. This case is largely winding down.</p> <p>Fourth, Ms. Haselden and I were co-counsel for the unsecured creditors committee, and now are co-counsel for the liquidating trustee, in the (largely wound down) chapter 11 bankruptcy case of John Daugherty Real Estate, case no. 20-31293.</p> <p>Fifth, OWPLLC and I represented Ms. Haselden and HFPLLC in discrete litigation in the chapter 11 bankruptcy case 11500 Space Center 21-32299. Post-confirmation, Catmull and OWPLLC also represented the debtor in a contested matter.</p> <p>Sixth, I represented the owner of the chapter 11 debtor known as Midway Oilfield Constructors, case no. 18-34567. Ms. Haselden (and at first, Hoover Slovacek, and later at HFPLLC) represented the debtor.</p>

²² All bankruptcy cases mentioned herein are Southern District of TX cases unless otherwise indicated.

Party in Interest or its Counsel	Connection
	<p>Seventh, OWPLLC represents the owner of Burnside Services, Inc., a chapter 7 debtor in bankruptcy case no. 22-31458. Ms. Haselden and HFPLLC represent the debtor.</p> <p>Eighth, OWPLLC represented the chapter 11 debtor as co-counsel to Ms. Haselden and HFPLLC in the chapter 11 case of United Engineers, bankruptcy case no. 23-33166.</p> <p>Ninth, Ms. Haselden and I occasionally consult one another in matters that are not public.</p> <p>Tenth, I consider Ms. Haselden, and her partner, Elysse Farrow, social friends.</p>
J. Patrick Magill	<p>Mr. Magill is the CRO for the debtor, FSS.</p> <p>Mr. Magill was also the court-appointed CRO in the bankruptcy case of Cypress Creek Emergency Medical Service, Inc., case no. 21-33733, in which I represent the chapter 11 debtor. Mr. Magill is now the liquidating trustee in the case and I represent him in that capacity.</p>
Ha M. Nguyen and Jason B. Ruff	These individuals are identified as counsel for the U.S. Trustee and have appeared in this case. We have appeared in some of the same bankruptcy cases in the last few years.
Stephen Lemmon	<p>Stephen Lemmon represents PQPR Holdings Ltd. in the FSS bankruptcy case.</p> <p>I have known, and known of, Mr. Lemmon for at least 20 years. To my recollection, we have represented parties in the same cases in a Corpus Christi oil and gas case bankruptcy case in 1999-2000, the bankruptcy case of Cody Smith, more recently, represented partially aligned parties in the 2017 bankruptcy case of Advantage Energy Joint Venture, and a related bankruptcy case of the debtor's principal.</p> <p>Mr. Lemmon and I occasionally refer each other business. And as it happens, we attended the same high school, though during different years.</p>
Vianey Garza	<p>Ms. Garza is counsel for the U.S. Trustee who has not appeared in this case.</p> <p>She joined Hoover Slovacek shortly after I departed from that law firm. Also, in the past, for several years Ms. Garza and I were board members and officers together for the Arthur-Moller Inn of Court.³ I consider her a social friend.</p>

³ Ms. Haselden and other bankruptcy attorneys in this case have been and may still be members of the Arthur Moller Inn of Court, and Ms. Haselden at one time was a board member.

Party in Interest or its Counsel	Connection
Walter Cicack	<p>Walter Cicack represents Cicack Holdings and Sweetwater Holdings in this case.</p> <p>He and I worked together in a few cases while I worked at Hoover Slovacek LLP between 2010 and 2017. I worked with Mr. Cicack for aligned parties in the 2015 bankruptcy case of Technicool Systems (and related litigation). Mr. Cicack and I represented adverse parties in the 2017 bankruptcy case of Advantage Energy Joint Venture, and a related bankruptcy case of the debtor's principal.</p> <p>Mr. Cicack and I sometimes refer each other work.</p>
Federico Andino Reynal	<p>Mr. Reynal is litigation counsel for Alex Jones and FSS.</p> <p>Approximately 2013, I represented the debtor in the bankruptcy case of Mud King Products. Mr. Reynal represented partially aligned parties. Since that time, Mr. Reynal and I have occasionally worked together on cases (including the Courtland Energy bankruptcy case) and referred each other potential business. I have also informally assisted Mr. Reynal (through professional relationships) in connection with a creditor claim of less than \$20,000 in a Delaware bankruptcy.</p> <p>In addition, before and after FSS's bankruptcy filing, Mr. Reynal and I have had brief conversations about Alex Jones related litigation. In preparing for the application process, it occurred to me that one call included an out-of-state attorney who Mr. Reynal advised represents Alex Jones. The undersigned does not recall his name but allows that it may have been Norm Patis.</p>
Shelby Jordan	<p>Shelby Jordan represents Alex Jones.</p> <p>During 1999 through approximately July of 2001,⁴ I was employed by Shelby Jordan's Corpus Christi law firm, Jordan Hyden Womble. Mr. Jordan is Alex Jones' counsel.</p>
Ray Battaglia	I have known or known of, though not well, Mr. Battaglia for at least 20 years. He assisted me with a Western District subpoena project several years ago in a litigation matter.
Kyung Lee	<p>Kyung Lee and his law firm were the original proposed counsel for FSS. I have known, and known of, Mr. Lee for at least 20 years. We have been in a few bankruptcy cases together.</p> <p>I had occasion to interact Mr. Lee (in 2021) during OWPLLC's representation of W. Marc Schwartz, in his capacity as a receiver appointed by the Judicial District Court of Harris County, TX,</p>

⁴ In error, the original declaration wrote "2021" rather than "2001."

Party in Interest or its Counsel	Connection
	including in the bankruptcy cases of Massood Danesh Pajooch, U.S. Capital Investments, and County Investments LP.
W Marc Schwartz	I represented W. Marc Schwartz, in his capacity as a receiver appointed by the Judicial District Court of Harris County, TX, including in the bankruptcy cases of Massood Danesh Pajooch, U.S. Capital Investments, and County Investments LP.
Mike Ridulfo	<p>Mike Ridulfo appeared for W. Marc Schwartz in this case.</p> <p>I have known Mike Ridulfo since approximately 1998 back when I was practicing law in Corpus Christi. We have been in many consumer and commercial bankruptcy cases together.</p>
Marty Brimmage and the attorneys in this case employed by Akin Gump Strauss Hauer & Feld LLP	Marty Brimmage and his law firm represent the committee in a complex case pending before Judge Marvin Isgur, wherein a chapter 11 plan has been recently confirmed. OWPLLC is local counsel to the future claimants' representative in that case.
Randy Williams	<p>Randy Williams represents David Wheeler, et al, plaintiffs in this case.</p> <p>In the past Annie Catmull has represented Randy Williams, in his capacity as chapter 7 trustee, in a handful of matters. We have also appeared for separate parties in the same cases over the years.</p> <p>I currently represent Randy Williams as the chapter 7 trustee of Gulfstream Trucking, LLC.</p>
Harod "Hap" May	<p>Hap May is the subject of FSS's pending motion to employ counsel at ECF # 809.</p> <p>From January 2010 to September of 2017 I was employed by the law firm of Hoover Slovacek. During some of those years Hap May was affiliated with the firm. We worked together on a handful of cases.</p> <p>Since I left Hoover Slovacek, Hap May and I have occasionally referred each other work. In addition, since 2017, a few times (but not currently) I have been hired by entities in which he has an interest to seek stay relief in real estate bankruptcy cases.</p>

8. The connection review is ongoing and this declaration will be supplemented if additional connections are discovered.

9. This representation will include all matters relative to chapter 11 case administration, including without limitation, preparing, implementing, and seeking approval of a plan of reorganization, preparation of all reports required by law, responding to information requests by the Office of the U.S. Trustee, responding to discovery requests, objections to claims, dismissal disputes, preference actions, and other matters relative to claims asserted by creditors, and related litigation.

10. In connection with this representation, OWPLLC will require a retainer of \$75,000.

11. In connection with these services, Debtor will be required to pay OWPLLC on an hourly fee basis. Hourly fees will be charged as follows:

Professional	Title	Rate
Annie Catmull	Of Counsel	\$500
Kathleen O'Connor	Principal	\$450
Jeri Wechsler	Of Counsel	\$350
Paralegal services ⁵	Paralegal (this includes any OWPLLC attorney whose particular services are properly billed as paralegal, rather than attorney).	Between \$150 and \$250

12. In addition, OWPLLC will charge out-of-pocket expenses incurred in connection with its engagement. The expenses will be charged as set forth below.

Client Expenses	Hourly Rate
Deliveries & Couriers	At Cost
Travel, Lodging and Meals*	At Cost (No Charge for Non-Working Travel)
Filing Fees & Misc. Expenses	At Cost
Contract Paralegals	At Cost

13. Fee and expenses incurred by OWPLLC shall be billed against the retainer, subject to final approval by order of this Court, after making appropriate application to this Court.

⁵ Separately, OWPLLC occasionally engages contract paralegal services, which is billed at cost, usually \$50 per hour, but sometimes more, depending on the negotiated terms, skill set needed for the task, and any special timing concerns.

14. The undersigned further states that she has not shared, nor agreed to share with any person, other than with members of the undersigned's firm, any compensation.

15. Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Signed: March 7, 2024

Annie Catmull

Annie Catmull



Annie Catmull
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O'ConnorWechsler PLLC is a women-owned law firm with an emphasis on insolvency law and commercial litigation, and with recognized skills in trial advocacy¹ and energy law.²

Kathleen O'Connor, J.D., South Tex. College of Law, '1995

A native Houstonian, Kathleen O'Connor is a member of the American Board of Trial Advocates, an invitation-only national association of experienced trial lawyers and judges. She has taken 30 jury trials to verdict (civil and criminal), over 21 bench trials to verdict (criminal and civil), and she has argued before the U.S. Court of Appeals for the 5th Federal Circuit and the 14th Court of Appeals.

In addition to managing all phases of litigation, she assists private companies in the conduct of in-house investigations, responding to various governmental agencies, and with employment and personnel matters under the EEOC, ERISA, FLSA, and FLMA. She is a certified mediator.

She graduated in the top 15 percent of her class at South Texas College of Law, was on the Dean's List and in the Order of Lytae (a fraternity that recognizes outstanding academic achievement) and was editor of Corporate Counsel Review.

Before attending law school, she taught business courses at Pasadena High School in Houston, Texas.

Annie Catmull, J.D., Univ. of Utah, 1995

Annie Catmull has more than 28 years' experience in bankruptcy and insolvency law. She represents distressed companies, their owners, creditors, trustees, landlords, tenants, asset purchasers, and creditors' committees. Her clients are in the energy (upstream, midstream, energy services), manufacturing, real estate, telecommunications, shipping, healthcare, construction, farming, and personal services sectors. Much of her practice is litigation related to business reorganizations.

- President, Moller-Foltz, American Inn of Court, 2017-2018.

¹ Kathleen O'Connor is a member of the American Board of Trial Advocates, an invitation-only national association of experienced trial lawyers and judges.

² Jeri Wechsler has an LLM in Energy and Natural Resources from the University of Houston.

- Licensed in the U.S. Court of Appeals for the Fifth Circuit, and U.S. District and Bankruptcy Courts in the Southern, Northern, Eastern, and Western Districts of Texas.
- Licensed by the State Bar of Texas since November 1995.
- Externed for the U.S. Bankruptcy Court, District of Utah, 1995.

Sample of Bankruptcy Representations

In re *HONX, Inc.*, complex chapter 11 case 22-90003 before the U.S. Bankruptcy Court, Southern District of Texas, local counsel for the FCR.

In re *Semco Manufacturing Company, Inc.*, case no. 22-70149, before the U.S. Bankruptcy Court, Southern District of Texas, represented creditors who sought and achieved dismissal of case with prejudice.

In re *Cypress Creek Emergency Medical Services Assoc.*, case 21-33733 before the U.S. Bankruptcy Court, Southern District of Texas, represents the debtor, chapter 11 plan confirmed July 7, 2022

In re *John Daugherty Real Estate, Inc.*, case 20-31293, before the U.S. Bankruptcy Court, Southern District of Texas, represented the Office Committee of Unsecured Creditors, chapter 11 plan confirmed November 30, 2021.

In re *All Texas Electrical Contractors, Inc.*, case 20-34656 before the U.S. Bankruptcy Court, Southern District of Texas, represents the debtor, chapter 11 plan confirmed March 3, 2021

Cage v. WorldFab, Inc. (In re Technicool Sys.), Nos. 15-34435, 17-03265, 2018 Bankr. LEXIS 3376, (Bankr. S.D. Tex. Oct. 31, 2018)

Windmill Run Assocs. [client] v. Fannie Mae [opposing party] (In re Windmill Run Assocs.), 2017 Bankr. LEXIS 303 (Bankr. S.D. Tex. Jan. 31, 2017)

In re Windmill Run Assocs., 2016 Bankr. LEXIS 359 (Bankr. S.D. Tex. Feb. 4, 2016)

In re Mud King Prods. [client], 525 B.R. 43 (Bankr. S.D. Tex. 2015)

Schermerhorn v. Centurytel, Inc. (In re Skyport Global Communs., Inc. [client]), 2013 Bankr. LEXIS 3218 (Bankr. S.D. Tex. Aug. 7, 2013), aff'd, 2016 U.S. App. LEXIS 4714 (5th Cir. Tex. Mar. 14, 2016) and 2016 U.S. App. LEXIS 18412 (5th Cir. Tex. Oct. 12, 2016)

In re Anloc, LLC [client], 487 B.R. 825, 2013 Bankr. LEXIS 257 (Bankr. S.D. Tex., 2013), aff'd, 574 Fed. Appx. 401 (5th Cir. Tex. 2014)

Baker Hughes Oilfield Operations, Inc. et al v. Union Bank of Cal., N.A. (In re Cornerstone E&P Co., L.P.), 436 B.R. 865 (Bankr. N.D. Tex. 2010); same, 436 B.R. 830; and same 435 B.R. 390

In re Presto (Enron Employee Committee v Presto), 376 B.R. 554 (Bankr. S.D. Tex. 2007)

Recent Publications and Speeches

- "Civil Contempt" Harris County Civil District Judge's Retreat, August 2022
- "Key Bankruptcy Principles for Business Lawyers: Foundations and Emerging Issues," Texas Bar CLE, 12th Annual Essentials of Business Law, Business Law Section, March 2021
- "Bankruptcy Litigation in Houston: Tops Ten Dos, Don'ts, and Maybes," Houston Bar Association, Corporate Counsel Section, April 2020
- "Ethics Rules: Lawyers & Landmen," Houston Area Petroleum & Landmen, October 2019
- "Bankruptcy Issues," Houston Area Petroleum & Landmen, October 2018
- "Practitioner's Guide to Rule 9011," State Bar of Texas Annual Bankruptcy Conference, April 2018